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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,671	09/12/2005	Rolf Kotte	265380US6PCT	1530
22850	7590	05/26/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER BELL, WILLIAM P	
			ART UNIT	PAPER NUMBER
			1791	
			NOTIFICATION DATE	DELIVERY MODE
			05/26/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/524,671	<b>Applicant(s)</b> KOTTE ET AL.	
	<b>Examiner</b> WILLIAM P. BELL	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-19, 21-24, 26 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) 24, 26 and 28-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17, 19 and 21-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/11/2005</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of claims 17, 19, and 21-23 in the reply filed on 5 March 2009 is acknowledged.
2. Claims 18, 24, 26, and 28-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention. Election was made **without** traverse in the reply filed on 5 March 2009.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17, 19, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legrand (International Patent Publication No. WO 01/98613, already of record) in view of Ichinohe (U.S. Patent No. 4,663,901). Examiner notes that the citations given below for Legrand are based on an oral translation of the document; a full English translation has been ordered. Regarding claim 17, Legrand teaches a method for fabrication of a vehicle drop glass with a transparent pane (see abstract and pane 1 in Figure 1), on an extremity of which a support part is to be attached (see stirrups 7 and 8 in Figure 1), which cooperates with a drive and/or guide device for heightwise movement of the pane (see guides 9 and 10 in Figure 1), the method

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comprising: orienting and attaching the pane at plural predetermined points of its surface in a device adapted to its shape (see page 5, lines 21-33 and Figure 3, wherein rollers 22-26 serve to orient and attach pane 1 to the illustrated device); depositing a curable plastic material on the pane in a region of an assembly with the support part (see page 9, line 35 through page 10, line 10, wherein the use of various adhesives for attaching the stirrups to the pane is taught, including reactive polyurethane) and fashioning such, in a fixed position in a space inside the device, into a fashioned part which, after its assembly with the pane, defines a position of the support part in relation to the predetermined points (see Figure 3, wherein stirrups 7 and 8 are positioned on and attached to pane 1 by the illustrated device in a predefined position relative to the position of the panel on the device; the adhesive would become an integral fashioned part of the assembly upon curing); and curing the plastic material (see page 10, lines 7, wherein a slow reacting polyurethane adhesive is taught, the reaction comprising a curing operation). Legrand does not teach depositing the curable plastic material on the pane with the aid of at least one tool. Ichinohe teaches a method of adhesively attaching a support bracket to a pane of glass using an "anti-flow member" tool to prevent flow of the adhesive from at least one end of the slot in the support bracket (see column 3, lines 30-33 and Figure 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method taught by Legrand with the anti-flow member tool taught by Ichinohe for the benefit of controlling the flow of the adhesive on the pane (see Ichinohe, column 3, lines 30-33). Legrand does not teach that the support part is made of at least one additional part, which is attached to

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the fashioned part in a predetermined position by at least one contact face fashioned on the fashioned part. Ichinohe teaches a support bracket which is comprised of a series of ribs (see column 3, lines 6-13 and ribs 14 and 15 in Figure 2), which constitute additional parts of the support bracket. Once adhesively fixed on the glass pane, the bracket ribs are attached to a surface of the fashioned part comprising the adhesive. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method taught by Legrand with the ribs on the support bracket taught by Ichinohe for the benefit of maintaining close contact between the bracket and the glass pane (see Ichinohe, column 3, lines 9-11).

Regarding claim 19, Legrand teaches a method wherein the fashioned part is shaped while bonding to the pane (since the stirrups are being bonded to the pane via the adhesive, the surfaces of the stirrups in contact with the adhesive inherently serve to shape at least part of the adhesive).

Regarding claim 21, Legrand teaches a method wherein the support part is used as a portion of a mold used to shape the fashioned part by pressing the support part for shaping onto a mass of plastic material constituting the fashioned part (since the stirrups are being bonded to the pane via the adhesive the surfaces of the stirrups in contact with the adhesive inherently serve to shape at least part of the adhesive; since the surfaces shape the adhesive, they can be reasonably interpreted as a mold for the adhesive).

Regarding claim 22, Legrand does not teach first attaching the stirrups and then filling the space between the stirrups and the pane with adhesive. However, one of skill

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in the art recognizes that there are only three possible ways of assembling the stirrups to the pane: (1) applying the adhesive to the pane and then attaching the stirrups; (2) applying the adhesive to the stirrups and then attaching them to the pane (Ichinohe teaches this method; see column 1, lines 56-61); and (3) placing the stirrups on the pane and injecting adhesive in the gap between the stirrups and the pane. It would have been obvious to one of ordinary skill in the art at the time of the invention to have considered any of these methods of attaching the stirrups, as all are well known alternatives. One would be motivated to try each method to determine which one would result in the most efficient use of the adhesive.

Regarding claim 23, Legrand teaches a method wherein the support part is assembled to the fashioned part by bonding with an adhesive deposited in addition between the fashioned part and the support part (see page 10, lines 2-10, wherein Legrand teaches providing an additional "instant" adhesive to assist in assembly of the stirrups to the pane).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM P. BELL whose telephone number is (571)270-7067. The examiner can normally be reached on Monday - Thursday, 8:00 am - 5:30 pm; Alternating Fridays, 8:00 am - 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wpb

/Richard Crispino/  
Supervisory Patent Examiner, Art Unit 1791